

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Deutsche Bank National Trust Company, as trustee  
Morgan Stanley ABS Capital I Inc. Trust 2007-  
NC1 Mortgage Pass-through Certificates, Series  
2007-NC1

CASE NUMBER: 1:10-cv-6270

PLAINTIFF

VS.

DISTRICT JUDGE: Charles R. Norgle, Sr.

Steven M. Fischer, Sr., Laura B. Fischer

MAGISTRATE JUDGE: Morton Denlow

DEFENDANT(S).

**MOTION TO DISMISS CASE**

Plaintiff, Deutsche Bank National Trust Company, by counsel, James N. Pappas of Burke, Costanza, & Cuppy LLP, files the following Motion to Dismiss the Case without Prejudice and with leave to reopen, and states:

1. On September 30, 2010, Plaintiff filed its Complaint for Foreclosure of a mortgage given by the Defendants Steven M. Fischer, Sr. and Laura B. Fischer to the Plaintiff.
2. On January 13, 2011 a Loan Modification was completed.

WHEREFORE, counsel for Plaintiff, Deutsche Bank National Trust Company, respectfully requests that the Case be dismissed without prejudice and with leave to reopen, and for all other relief just and proper.

Respectfully submitted,

BURKE COSTANZA & CUPPY LLP

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